

At a regular meeting of the Town Board for the Town of Oswego held the 10th day of December, 2019 at 6:00 p.m. at the Town Hall, 2320 County Route 7, Oswego, Oswego, County of Oswego, State of New York.

RESOLUTION NO. 2019-_____

**RESOLUTION DECLARING LAKERIDGE ROAD
AND PERRY HILL DRIVE ABANDONED**

WHEREAS, the Sleepy Hollow Subdivision Tract was approved by the New York State Department of Health on February 4, 1964 and filed as Map 1918 with the Oswego County Clerk's Office on February 28, 1964 and said map laid out a plan for the development of the Sleepy Hollow Subdivision in 2 phases consisting of approximately 86 separate building lots; and

WHEREAS, the Town of Oswego accepted a road dedication on or about November 14, 1997 from then owners Jeffrey M. Carson and Patricia A. Carson d/b/a J&P Carson Enterprises that turned over the roadways running through what is commonly referred to as Phase II of the Sleepy Hollow Subdivision, to wit: a roadway running from Lakeridge Road extending from Lakeshore Road to its intersection with Perry Hill Drive at the point where Perry Hill Drive adjoins Lot No. 41 of the Sleepy Hollow Subdivision Tract; and Perry Hill Drive from its intersection with Lakeridge Road where Lakeridge Road adjoins Lot No. 61 of said Tract, extending southerly and easterly to the point where Perry Hill Road adjoins the easterly line of Phase I of the Tract, or the westerly line of Lot No. 43 extended northerly; and

WHEREAS, the roadway was turned over to the Town of Oswego together with a right-of-way for ingress and egress and for utility purposes over, under and across the northerly 10' of Lot 47 and the southerly 10' of Lot 48 of the said Sleepy Hollow Subdivision so that the Town of Oswego could maintain access to the Sleepy Hollow Sewage Treatment Plant; and

WHEREAS, the roadway dedicated to the Town of Oswego was never constructed, and was unable to be constructed due to restrictions imposed by the New York State Department of Environmental Conservation, and was the subject of litigation between the Carsons and the Town of Oswego, which was ultimately settled in 2002; and

WHEREAS, on October 5, 2019, the County of Oswego auctioned the parcel, identified as Oswego County Tax Map ID No.: 144.16-02-01, and consisting of 28.19 acres to Kenneth Fox for the sum of \$23,000; Mr. Fox now desires to have the Town of Oswego declare the roadways through his property abandoned; and

WHEREAS, pursuant to New York State Highway Law Section 205 if Town road has not been traveled upon or used for a period of 6 years, the Town is entitled to declare it abandoned and file a Certificate of Abandonment of said road; and

WHEREAS, the Town roads in question, Lakeridge Road and Perry Hill Drive, running on and through the real property now owned by Kenneth Fox has never been used as a Town road and has clearly been abandoned in a manner consistent with NYS Highway Law Section 205; and

WHEREAS, the Town Board for the Town of Oswego hereby determines it to be in the best interest of the Town of Oswego to declare these Town roads abandoned;

NOW, THEREFORE BE IT

RESOLVED, that the Town roads known as Lakeridge Road and Perry Hill Drive, running through the former Sleepy Hollow Subdivision Phase II as identified in a Tract Map dated August 8 1963 and filed in the Oswego County Clerk's Office on February 28, 1964, designated as filed Map No. 1918 in Drawer D-11, Map Book 25, Pages 69 & 70 is hereby declared abandoned by the Town of Oswego; and it is further

RESLOVED, that the abandonment of these Town roads is subject to and conditioned upon the continuation of the right-of-way for ingress and egress and for utility purposes over, under and across the northerly 10' of Lot 47 and the southerly 10' of Lot 48 of the said Sleepy Hollow Subdivision as further set out in the Warranty Deed executed by Jeffrey M. Carson and Patricia A. Carson to the Town of Oswego on November 14, 1997 and recorded in the Oswego County Clerk's Office on November ___,1997 at Book 1392 at Page 339; and it is further

RESOLVED, that the Town Supervisor is hereby authorized to execute any other legal documents on behalf of the Town of Oswego to formalize the continuation of the right-of-way to and from the Sleepy Hollow Sewage Treatment Plant; and it is further

RESOLVED, that the Town Highway Superintendent is hereby directed to file a Certificate of Abandonment in accordance with NYS Highway Law Section 205.

MOTION PASSED AS FOLLOWS:

RICHARD KAULFUSS, SUPERVISOR	AYE
GREG HERMANN, COUNCILOR	AYE
MARGARET MAHANEY, COUNCILOR	AYE
RICHARD TESORIERO, COUNCILOR	AYE
VICTORIA MULLEN, COUNCILOR	AYE

CERTIFICATION

I, Nikki Fowler, Town Clerk of the Town of Oswego, Oswego County, New York, DO HEREBY CERTIFY that the following resolution was duly passed by the Town Board of the Town of Oswego on the 10th day of December, 2019.

Dated: December ___, 2019

Nikki Fowler, Town Clerk
Town of Oswego, New York

[SEAL]